

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

NATIVE AMERICAN ARTS, INC.,

Plaintiff,

v.

BUD K WORLD WIDE, INC.,

Defendant.

Civil Action 7:10-CV-124 (HL)

ORDER

This case is before the Court on Defendant's Motion to Exclude the Report, Supplemental Report, Second Supplemental Report, and Related Testimony of Tony Eriacho Jr. (Doc. 98).

In response to the motion, Plaintiff filed a notice stating that it does not intend to use Mr. Eriacho as a witness in this case.

As Plaintiff has withdrawn Mr. Eriacho as a witness, the Motion to Exclude is denied as moot. In light of Plaintiff's response, it will not be allowed to use Mr. Eriacho's reports or testimony in any form should this case go to trial.

SO ORDERED, this the 9th day of May, 2012.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

mbh